

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

<b>KEVIN WOMACK,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 22-03183-CV-S-WBG</b>
	)	
<b>MARTIN O'MALLEY,</b>	)	
<b>Acting Commissioner of Social Security,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

Pending is Plaintiff's Application for Attorney's Fees. Doc. 13. Plaintiff requests an award of attorney's fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$4,759.50 for 20.10 total attorney hours. Docs. 13, 13-1. Plaintiff requests payment for 15.60 hours in 2022 at a rate of \$235.00 per hour, and 4.50 hours in 2023 at a rate of \$243.00 per hour. Doc. 13-1. Defendant does not object to the request. Doc. 14.

Any EAJA fee belongs to the Plaintiff and is subject to offset to satisfy outstanding debt owed to the federal government. *See* 28 U.S.C. § 2412(d)(1)(A) (directing the Court to award attorney fees to the prevailing party); *Astrue v. Ratliff*, 560 U.S. 586, 591-93 (2010) (holding an EAJA fee award is subject to offset for any debts owed to the federal government and shall not be paid directly to the prevailing party's attorney). Here, the application includes an affidavit wherein Plaintiff assigned any fees awarded under the EAJA to his attorneys. Doc. 13 at 2; Doc. 13-3. Defendant indicates if he verifies Plaintiff owes no preexisting debt to the United States subject to offset, the fees will be made payable to Plaintiff's attorney based on the assignment. Doc. 14 at 1-2.

Upon review of Plaintiff's application for attorney's fees, the Court finds the requested fees are reasonable and **GRANTS** Plaintiff's application for attorney's fees.

IT IS ORDERED that attorney's fees in the amount of \$4,759.50 shall be paid by the Social Security Administration, subject to any offsets for pre-existing debt Plaintiff owes to the federal government. If Defendant verifies Plaintiff has no pre-existing debt owed to the United States that is subject to offset, the fees may be made payable to Plaintiff's counsel based on the assignment of EAJA fees executed by Plaintiff.

**IT IS SO ORDERED.**

DATE: January 8, 2024

/s/ W. Brian Gaddy  
W. BRIAN GADDY  
UNITED STATES MAGISTRATE JUDGE